

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 17-cr-0026 (WMW/DTS)

Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

v.

Donald Thomas Perrin,

Defendant.

This matter is before the Court on the May 2, 2017 Report and Recommendation of United States Magistrate Judge David T. Schultz. (Dkt. 35.) Because no objections to the Report and Recommendation have been filed, Defendant's right to *de novo* review of the Report and Recommendation has been waived. *United States v. Newton*, 259 F.3d 964, 966 (8th Cir. 2001). When reviewing nondispositive decisions and dispositive recommendations to which no objection has been made, this Court determines whether the decision or recommendation is clearly erroneous or contrary to law.¹ *See* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59; *accord Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the Report and Recommendation, the Court

¹ "There is a split in authority in this District about the proper standard of review on a motion to sever an indictment." *United States v. Montanari*, No. 14-0161, 2014 WL 4541120, at *1 n.1 (D. Minn. Sept. 11, 2014) (comparing cases in which motion to sever is deemed nondispositive and cases in which motion to sever is deemed dispositive). However, because a criminal defendant waives the right to *de novo* review of a Report and Recommendation to which no objections have been made, this distinction is inconsequential here. *See Newton*, 259 F.3d at 966; *see generally* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59.

concludes that the Report and Recommendation is neither clearly erroneous nor contrary to law.

ORDER

Based on the foregoing analysis and all the files, records and proceedings herein,

IT IS HEREBY ORDERED:

1. The May 2, 2017 Report and Recommendation, (Dkt. 35), is **ADOPTED**;
2. Defendant Donald Thomas Perrin's pretrial motion for severance of counts, (Dkt. 18), is **DENIED**;
3. Defendant Donald Thomas Perrin's pretrial motion for suppression of all evidence obtained pursuant to the execution of a search warrant dated February 18, 2016, (Dkt. 20), is **DENIED AS MOOT**; and
4. Defendant Donald Thomas Perrin's pretrial motion for suppression of all evidence obtained pursuant to the execution of a search warrant dated February 23, 2016, (Dkt. 22), is **DENIED AS MOOT**.

Dated: August 1, 2017

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge